

REMARKS

Applicants have considered the Office Action dated July 15, 2005 regarding the above-identified application. The claim amendments above and these amendments are presented in a bona fide effort to address all issues raised in that Action and thereby place this application in condition for allowance. Claim amendments above address minor formality objections and an indefiniteness rejection; and the amendments move certain language from one claim to another, to present dependent claims in independent form. As such, the amendments should raise no issue with regard to descriptive support or new matter. Prompt favorable reconsideration of this amended application is respectfully requested.

The Office Action included objections to claims 1 and 14. As suggested, claim 1 has been amended above to change the noted reference to “the data link” to “a data link,” and claim 14 has been amended to depend from method claim 13. In response to the indefiniteness rejection, claim 19 has been amended to replace the reference to “the wireless telephone” with a reference to “the wireless communication device,” and thereby avoid the noted lack of antecedent basis. These amendments should not narrow the scope of any of the effected claims.

The double patenting rejection of claim 29 (section # 2 of the Detailed Action) is traversed. The allegation that claim 29 is identical to claim 28 is incorrect. Claim 28 specifies testing of an operation of the wireless communication network; whereas claim 29 specifies testing of an operation of the wireless communication device. A test of device operation is not the same as a test of a network operation. Withdrawal of the double patenting rejection of claim 29 is respectfully requested.

Applicant notes with appreciation the Examiner’s allowance of claims 1, 2, 13-18, 30 and 31. The Examiner also graciously indicated that claims 20, 21, 25 and 26 would be allowable if

recast in independent form. Claims 3-12, 19, 22-24, 27-29 and 32-40 were rejected as unpatentable over art. The art rejection should be moot in view of the amendments above, to essentially take the subject matter that the Examiner indicated allowable over the art.

Claim 4 has been recast in independent form, by incorporating the original language of claim 3, and claim 3 has been cancelled. Hence, claim 4 should be allowable as indicated in the Action.

Rejected claims 5-7 and 9-12 have been amended to depend from allowed claim 2. Rejected claim 8 has been cancelled. Claims 5-7 and 9-12 should be allowable with allowable parent claim 2.

Claim 19 has been amended to incorporate the limitations of former dependent claim 20. As such, claim 19 now corresponds to claim 20 recast in independent form. Claim 21 previously depended from claim 20, but 21 now depends directly from claim 19. Claims 19 and 21 therefore should be allowable exactly as indicated in the Action with regard to previous claims 20 and 21. Rejected claims 22-24 and 27-29 depend directly or indirectly from allowable claim 19 and should now be allowable therewith.

Each of claims 25 and 26 is recast in independent form above, by incorporating the previous language of claim 19 and of intervening claim 22. Hence, newly independent claims 25 and 26 should be allowable as indicated in the Action.

Claim 32 has been amended to incorporate the limitations of former dependent claim 35, which has been cancelled. As such, claim 32 now corresponds to former claim 35 recast in independent form. Claim 32 therefore should be allowable exactly as indicated in the Action with regard to previous claim 35. Rejected claims 33-34 and 36-40 depend directly or indirectly from allowable claim 32 and should now be allowable therewith.

Hence, claims 1, 2, 4-7, 9-19, 21-34 and 36-40 remain active in this application, and all of those claims should be allowable, either as expressly indicated in the Action or based on current dependency from an allowable claim.

The Office Action included a statement of reasons for allowance with respect to initially allowed claims 1, 2, 13-18, 30 and 31. The Statement suggests that the art does not “teach a video capturing device coupled to the display of the wireless telephone, for ..., and as specific in details and orders as claimed in” independent claims 1, 2, 13, 16, 30 and 31. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicant in the stated reasoning. The noted independent claims refer to a video capturing device, however, the claims differ as to scope. The Statement does not identify any “specific ... details” beyond the video capturing device, and such a general comment should not be construed to justify a narrow interpretation or create an estoppel with regard to any particular aspect of any of the allowed claims. Also, in patent law, the order in which elements or steps are recited normally is not critical unless a specific order is clearly required by the language of the claims. Such is not the case here, and the Statement’s reference to the “orders as claimed” should not be construed to justify a narrow interpretation or create an estoppel with regard to the order in which any of the allowed claims recites elements or steps. Furthermore, claims 1, 2, 13-18, 30 and 31 were allowed in the first action on the merits, without any rejection, and the Statement did not specifically address the other claims indicated allowable if recast in independent form. It is respectfully submitted that the allowed claims, including those addressed in the Statement, should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

This case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter. It is believed that this response addresses all issues raised in the July 15, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview or an Examiner's amendment, it is requested that the Examiner telephone Applicant's representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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